

GENERAL ORDINANCE NO. 36-09

AN ORDINANCE
AMENDING CHAPTER 13,
GREEN BAY MUNICIPAL CODE,
REGARDING HOME-BASED OCCUPATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-208, Green Bay Municipal Code, is amended as follows:

13-208. Licensing Certification of home-based occupations. ~~Each~~ Those home-based occupations **authorized by conditional-use permit** shall be required to obtain a home-based occupation certificate from the City, subject to payment of a filing fee as established by City Council resolution. Home-based occupation certificates are not transferable. The certificate shall be renewed annually **if required by the conditional-use permit approval**, at which time the home-based occupation shall be subject to inspection to ensure code compliance. All nonconforming home-based occupations existing prior to the date of adoption of this ordinance may continue, but the use shall not expand, be rebuilt, relocated, replaced, or altered without being brought into compliance with this chapter.

SECTION 2. Section 13-302, Green Bay Municipal Code is amended as follows:

13-302. Land Use Definitions. This section defines each land use listed in the use tables of the various zoning districts in the order they appear in the tables. General definitions are listed in Section 13-302. Definitions of signs are listed in Section 13-304.

Accessory and Temporary Uses

Home-based occupation: An occupation that is conducted by a person on the same lot (in a residential district) where such person resides and is limited in extent, secondary, and incidental to the residential use of the lot.

SECTION 3. Section 13-1609, Green Bay Municipal Code, is amended as follows:

13-1609. Accessory uses.

- (a) **Home-based** occupation.
- (1) ~~A home-based~~ **Home-based** occupations may include small professional offices, service establishments, **musical instruction**, or home crafts which are typically considered accessory to a dwelling unit.
- (2) A **home-based** occupation shall not involve the conduct of a retail or wholesale business, a manufacturing business, a commercial food service requiring a license, or auto service or repair for any vehicles other than those registered to residents of the property.
- (3) A **home-based** occupation shall be carried on wholly within the main building or within a permitted accessory building.
- (4) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.
- (5) No person other than residents of the principal dwelling may be employed in the **home-based** occupation.

- (6) Service occupations shall serve no more than two parties at a time **where a party is defined as one client or a group of no more than four individuals representing one client. A party is also defined as one family.**
- (7) There shall be no exterior storage of equipment; or supplies ~~or commercial vehicles~~ associated with the home-based occupation. **Neither an enclosed trailer nor an open trailer that is empty shall be considered "equipment" and may be parked outside in compliance with section 13-1724. ~~nor parking of more than one business vehicle.~~**
- (8) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home-based occupation. **There shall be parking of no more than one motor vehicle (not exceeding 10,000 pounds) associated with the home-based occupation, and parking of vehicles and trailers shall comply with Section 13-1724.**
- (9) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond the property line.
- (10) The operation of the home-based occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.
- (11) Shipment and delivery of products, merchandise, or supplies shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. and shall occur only in single rear-axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.
- (12) A home-based occupation may have an identification sign conforming to the standards for signs in residential districts, as specified in Chapter 13-2000, Signs.
- (13) **The use of a dwelling unit for a home-based occupation shall be clearly incidental and subordinate to its use for residential purposes by including no more than 25% of the habitable floor area of the dwelling unit in the conduct of the home-based occupation.**
- (14) Any home-based occupation that exceeds the standards of this section is permitted only through a conditional use permit, as outlined in Chapter 13-200, Administration.
- (15) **No home-based occupation shall be permitted or approved as a conditional use that is found to impair the character of the residential neighborhood or that is found to pose a risk to health or safety in excess of that which is common to a residential neighborhood. Examples of such conditions may include, but are not necessarily limited to, the following:**
 - a. **Business activities or uses that generate excessive traffic relative to the type of street that it fronts upon and the level of traffic that existed prior to the home-based occupation.**
 - b. **Business activities or uses that regularly require parking on the street.**
 - c. **Business activities or uses that involve the presence of non-resident individuals from potentially dangerous populations such as individuals under arrest, on parole, under extended supervision or probation, or registered as sex offenders.**

d. Business activities or uses that create a greater risk of disease, fire, explosion, or other hazard.

SECTION 4. Section 13-614, Table 6-3, Green Bay Municipal Code, is amended as follows:

13-614. Permitted accessory uses.

Table 6-3. Permitted Nonresidential Accessory Uses in the Residential Districts

Home-based occupations	P	P	P	X
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SECTION 5. Section 13-714, Table 7-3, Green Bay Municipal Code, is amended as follows:

13-714. Permitted accessory uses. Permitted accessory uses are as shown in Table 7-3.

Table 7-3. Permitted Accessory Uses in the Mixed-Use Districts

Home-based occupations	P	P	P	x
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SECTION 6. Section 13-814, Table 8-3, Green Bay Municipal Code, is amended as follows:

13-814. Permitted nonresidential accessory uses. Permitted accessory uses are as shown in Table 8-3.

Table 8-3. Permitted Accessory Uses in the Commercial Districts

Home-based occupations	P	P	P	x
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SECTION 7. Section 13-1724, Green Bay Municipal Code, is amended as follows:

13-1724. Parking of commercial vehicles and commercial trailers in residential districts. The intent of this section is to preserve the orderly appearance of, and to allow the quiet enjoyment of, residential neighborhoods while allowing reasonable flexibility for parking of business-related vehicles. Specifically, this applies to such motor vehicles that are driven off site by a resident occupant but are kept on the residential premises when not in use. The allowances and standards in this section shall apply to the following types of vehicles: (1) commercial trucks, tractors, vans, pickups, or any other motor vehicles not exceeding 10,000 pounds gross vehicle weight; and (2) any commercial trailers or other machinery capable of being trailed behind a the commercial motor vehicle that is allowed to be parked on the premises by this section.

(a) Engines of commercial vehicles may not run continuously. A 30-minute engine warm-up time shall be permitted immediately prior to the commercial vehicle and/or any other motorized equipment leaving the premises. The warm-up period shall begin no earlier than 6:00 a.m. and end no later than 10:00 p.m.

(b) The vehicle **or trailer** shall be parked only upon a paved off-street parking area or pad constructed in accordance with the off-street parking requirements of this ordinance.

(c) **Commercial trailers parked outside in residential districts shall be fully enclosed. Open-sided trailers parked outside in residential districts shall be emptied when not in transport. This section is not intended to restrict commercial trailers from being parked inside permitted garages in residential districts.**

(d) ~~(a)~~ **Commercial trailers parked in residential districts shall be actually trailed and transported from the property no less than once per week. The intent of this requirement is to prevent the use of a trailer for long term storage, for use as a structure, for use as permanent advertising, and the like.**

~~(b) An exemption from requirement (2) above may be granted for one (1) vehicle per property only under the following circumstances:~~

~~(1) The vehicle is used for a home occupation.~~

~~(2) The property registered for the home occupation has insufficient room in the front yard area to accommodate at least one (1) lane into a garage or driveway area in addition to the required parking pad.~~

SECTION 8. Section 13-2005, Green Bay Municipal Code, is amended as follows:

13-2005. Exempt signs. The following signs are permitted in any zoning district without obtaining a permit, as specified in Section 13-2004 (a). However, all signs must comply with all other general sign regulations established in Section 13-2004. These signs shall not be applied toward the maximum sign allowance specified for a property, except as otherwise indicated in this subsection.

House numbers and nameplates. Residential and professional house numbers and nameplates not exceeding one (1) square foot in area per building identifying the owner or occupant of a property or name of a permitted home-**based** occupation.

SECTION 9. Section 13-2104, Green Bay Municipal Code, is amended as follows:

13-2104. Combination of uses on a lot.

S-RLI District. Combination of uses may be allowed in the S-RLI District. If the principle or primary use is other than a one- or two-family residence, permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this ordinance, including any specific development standards. Combination of uses where the principle or primary use of a parcel or building is a one- or two-family residence is only permissible for the specific mixed uses allowed by this Chapter: live-work unit or home-**based** occupation.

SECTION 10. Section 13-2113, Table 21-3, Green Bay Municipal Code, is amended as follows:

13-2113. Nonresidential accessory buildings in S-RLI District.

Table 21-3. Permitted Accessory Uses in the S-RLI District

Home-based occupations	P	X
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SECTION 11. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 12. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 3rd day of November, 2009.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Chad J. Weininger
Clerk

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First Reading: 10/20/09
Effective Date: 11/7/09